

## **REMARKS**

Claims 36-41, 68-73, and 76 are pending in the application. Claims 1-35 and 42-67 have been cancelled by previous amendments. Claims 74 and 75 are cancelled with the foregoing Amendment. Claim 72 has been amended to include the elements of cancelled claims 74 and 75. No new matter has been added.

Applicants request that the Examiner enter the Amendment to place the claims in a better form for consideration on appeal pursuant to 37 C.F.R. 41.33.

### **Interview Summary**

Applicants thank the Examiner for the interviews held on June 2, 2005 and November 3, 2005. On June 2, 2005, a telephonic interview was held with Examiner Chunduru, Primary Examiner Fredman, and Applicants' undersigned representative. At that interview, all of the claims were discussed in light of the then pending rejection over Fields (U.S. Patent Publication No. 2003/0027203). In light of the discussion, the Examiners agreed to withdraw the Office Action mailed February 22, 2005 and to prepare a new Office Action.

After the currently pending Office Action was mailed on August 12, 2005, a second interview was held on November 3, 2005. This telephonic interview was attended by Examiner Chunduru, Primary Examiner Forman, and Applicants' undersigned representative. In this interview, the Examiner's interpretation of the terms "binding space," "amplification space" and "detection space" was discussed. Also, Claim 68 was discussed in light of the rejection of this claim over Yasuda, *et al.* (U.S. Patent No. 6,093,370).

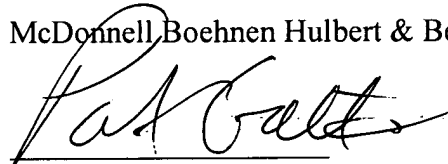
During the interview on November 3, 2005, Applicants' representative expressed the Applicants' frustration with the progress of the examination of the application. Applicants' representative pointed out three occasions where Office Actions citing rejections under 35 U.S.C. § 102 had been mailed, and the rejections later withdrawn

without any claim amendments by the Applicants. Applicants expressed their objection to the piecemeal manner in which the Office has presented the art to the Applicants.

At the interview, the Examiner explained her interpretation of the term "space" as it appears in the claims. It appears Examiner has interpreted the term "space" to include a complete multi-component apparatus. The Examiner provided an example of a microtiter plate with a cover over all the wells that would be a single "space" that encompasses all the wells. Therefore, if the plate had one well for binding nucleic acids, one well for amplifying nucleic acids and one well for detecting nucleic acids, all of the wells would comprise the same space. Applicants expressed their disagreement with the Examiner's interpretation of the term "space."

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff

A handwritten signature in black ink, appearing to read "Patrick G. Gattari", written over a horizontal line.

Patrick G. Gattari  
Reg. No. 39,682

McDonnell Boehnen Hulbert & Berghoff  
300 S. Wacker Drive  
Chicago, IL 60606  
(312) 913 0001